

## References Cited

- Brune, G. 1981. Springs of Texas, 1. Branch-Smith, Inc. Ft. Worth, Texas.
- Hubbs, C. and B.L. Jensen. 1984. Extinction of *Gambusia amistadensis*, an endangered fish. *Copeia* 1984(2):529-530.
- Peden, A.E. 1973. Virtual extinction of *Gambusia amistadensis* n. sp., a poeciliid fish from Texas. *Copeia* 1973(2):210-221.

## Primary Author

The primary author of this final rule is Alisa M. Shull, Endangered Species Biologist, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

## List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

## Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

## PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

## § 17.11 [Amended]

2. Amend § 17.11(h) by removing *Amistad gambusia* (*Gambusia amistadensis*) under "Fishes" from the List of Endangered and Threatened Wildlife.

Dated: October 22, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-27912 Filed 12-3-87; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Crescentia portoricensis*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines endangered status for a plant, *Crescentia portoricensis* (Higuero de Sierra), pursuant to the Endangered Species Act (Act) of 1973, as amended. *Crescentia portoricensis* is endemic to evergreen, semievergreen, and

deciduous forests on serpentine in the lower Cordillera region of southwestern Puerto Rico. This small tree is threatened by the indirect effects of deforestation and its extremely low population size. This rule implements the Federal protection and recovery provisions afforded by the Act for *Crescentia portoricensis*.

**DATES:** The effective date of this rule is January 4, 1988.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622, and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street SW., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Susan Sealander at the Caribbean Field Office address (809/851-7297) or Mr. Richard P. Ingram at the Atlanta Regional Office address (404/331-3583 or FTS 242-3583).

**SUPPLEMENTARY INFORMATION:****Background**

*Crescentia portoricensis* was discovered by N. L. Britton in 1913 along the Maricao River in western Puerto Rico. A small population of the species was later found approximately 10 miles (16 kilometers) to the southwest in the Susua area. Prior to 1979, the species was known from two small populations in Maricao Commonwealth Forest and a third in Susua Commonwealth Forest, each population consisting of about six plants. The two Maricao populations were not found during a 1979 survey (Vivaldi and Woodbury 1981), and repeated searches of these sites have failed to locate the plants. However, five populations with 36 individuals were recently discovered in the Maricao area by Commonwealth Forest personnel. Thus, a total of 42 plants are now known from six sites.

*Crescentia portoricensis* is an evergreen vinelike shrub or small tree reaching 20 feet (6 meters) in height, with a trunk diameter of 3 inches (8 centimeters). The leaves are simple, oblanceolate to narrowly elliptic, shiny dark green and leathery, and usually clustered at the nodes. The yellowish-white flowers are tubular and irregularly bell-shaped. The fruits are cylindric, hard, and dry. The species is endemic to the montane and lower montane mixed evergreen, semievergreen, and deciduous forests of the lower Cordillera of southwest Puerto Rico. Much of this region is underlain by serpentine, which appears as outcrops or serpentinite soils, and contributes to a high floristic

diversity and endemism. Within the two Commonwealth Forest units where it occurs, *Crescentia portoricensis* is restricted to sites along permanent or intermittent watercourses.

Deforestation has had a significant effect on the native flora of Puerto Rico, particularly at lower elevations. The lands presently within Susua Commonwealth Forest, entirely below 1,550 feet (475 meters), were deforested by the beginning of this century. The fact that *Crescentia portoricensis* occupied sites in ravine-bottoms probably contributed to its persistence in this area, although such sites were then exposed to the after-effects of deforestation. The lands at higher elevations (up to 2,880 feet or 875 meters) in Maricao Commonwealth Forest have largely escaped such extreme alternation, but both Maricao and Susua have continued to be affected indirectly by deforestation of adjacent lands and the increased incidence of erosion, landslides, and flash flooding. Since it occupies stream and valley bottom habitats, *Crescentia portoricensis* has been particularly vulnerable to these impacts. It is believed that the two previously known Maricao populations were lost to flooding and the resulting erosion of their habitat.

*Crescentia portoricensis* was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Fish and Wildlife Service, as identified in the notice published in the December 15, 1980, *Federal Register* (45 FR 82480). The species was placed in category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened), and was retained in category 1 in the September 27, 1985, revised notice (50 FR 39526).

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently found on October 13, 1983, October 12, 1984, October 11, 1985, and October 10, 1986, that listing *Crescentia portoricensis* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. The Service proposed listing *Crescentia portoricensis* on January 14, 1987.

### Summary of Comments and Recommendations

In the January 14, 1987, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the *San Juan Star* on February 6, 1987. Six letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Secretary of the Puerto Rico Department of Natural Resources supported the proposed listing of *Crescentia portoricensis*. The Federal Highway Administration, U.S. Forest Service, and Environmental Protection Agency each acknowledged the proposal and stated that no specific actions under consideration by their agencies would affect the species. The Natural History Society of Puerto Rico indicated no objection to the proposal but also noted that *Crescentia portoricensis* might occur on the Cabo Rojo National Wildlife Refuge. The Service can find no record of such occurrence, and considers that this suggestion may refer to another species of *Crescentia*. The U.S. Army Corps of Engineers responded with a request for more information; this request was answered, and the Corps elected not to comment on the proposal at this time.

### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Crescentia portoricensis* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Crescentia portoricensis* Britton (Higüero de Sierra) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The indirect effects of deforestation, particularly habitat modification and direct destruction of plants through erosion or landslides caused by accelerated runoff

and flash flooding, appear to be the most serious threats to *Crescentia portoricensis*. Although the surviving populations exist within units of the Commonwealth Forest system, the alteration of surrounding lands continues to affect the species and its habitat. In addition, flood control projects, which include large reservoirs in the mountains of the Maricao area, have been proposed by the Army Corps of Engineers. If these are constructed, impoundments could extend into drainages where the species may occur.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking for these purposes has not been a documented factor in the decline of this species, but could become so in the future. Species of the genus *Crescentia* (calabash) are widely cultivated throughout the Old and New World tropics. Overcollection could prove a serious problem for this species, since only 42 individuals are known to exist in the wild.

C. *Disease or predation.* Disease and predation have not been documented as factors in the decline of this species.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico has recently adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Crescentia portoricensis* is not yet on the Commonwealth list. Federal listing would provide the Act's recovery and protection provisions to this small tree.

E. *Other natural or manmade factors affecting its continued existence.* The known populations of *Crescentia portoricensis* are confined to geographically small areas and thus are susceptible to a variety of natural disturbances, such as major storms and resulting landslides or flooding. Although the species is probably adapted to survive such events, these natural threats are exacerbated by the manmade conditions outlined in factor "A" above. In addition, with only 42 plants known to exist, and no seedlings ever observed, rarity is itself a factor affecting continued survival.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Crescentia portoricensis* as endangered. Since there are few individuals remaining and a continuing risk of damage to the plants and/or their habitat, endangered status seems an accurate assessment of the

species' condition. It is not prudent to designate critical habitat because of the reasons given below.

### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Crescentia portoricensis* at this time. The distribution of this species is so restricted that collecting or vandalism could seriously damage or eliminate the remaining populations. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood of such activities. Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners will be notified of the location and importance of protecting this species' habitat, and such protection will be addressed through the recovery process and through section 7 procedures (see "Available Conservation Measures," below).

### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation action by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to

destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Crescentia portoricensis*, as discussed above. Federal involvement is expected only if flood control projects are begun by the U.S. Army Corps of Engineers. However, through careful planning, adverse impacts to this species can be minimized.

Section 9(a)(2) of the Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate for foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. Although there may be

some horticultural interest in *Crescentia portoricensis*, it is anticipated that few trade permits would ever be sought or issued since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### References Cited

- Ayensu, E.S., and R.A. DeFilipps. 1978. *Endangered and Threatened Plants of the United States*. Smithsonian Institution and World Wildlife Fund, Washington, DC, xv + 403 pp.
- Vivaldi, J.L., and R.O. Woodbury. 1981. Status report on *Crescentia portoricensis* Britton. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Atlanta, 28 pp.

#### Author

The primary author of this final rule is Mr. David Densmore, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (809/851-7297).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Regulation Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amended § 17.12(h) by adding the following, in alphabetical order under Bignoniaceae, to the List of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants:

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Bignoniaceae—Bignonia family:						
<i>Crescentia portoricensis</i> .....	Higuero de Sierra.....	U.S.A. (PR).....	E	301	NA	NA

Dated: October 22, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-27913 Filed 12-3-87; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 20

#### Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule amendment.

SUMMARY: This final rule amendment prescribes the daily bag and possession limits for ducks in the Mississippi

Flyway in those States selecting the point system. These bag limits were omitted from the rulemaking dated Tuesday, September 29, 1987 (52 FR 36496).

EFFECTIVE DATE: December 4, 1987.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, Matomic Building—Room 536, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (202/254-3207).

SUPPLEMENTARY INFORMATION: On September 29, 1987, the U.S. Fish and Wildlife Service (hereinafter the Service) published in the *Federal Register* (52 FR 36496) a final rule prescribing the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general

1987-88 waterfowl seasons in the conterminous United States. In a table on page 36519 of that rulemaking, the Service prescribed the point values assigned to the species and sexes of ducks for States in the Mississippi Flyway that select the point system, but inadvertently omitted prescribing the daily bag and possession limits. The addition of the daily bag and possession limits to that table is made in this final rule amendment.

#### Environmental Considerations

Compliance of the 1987-88 migratory game bird hunting regulations with the National Environmental Policy Act and the Endangered Species Act were addressed by the Service in the September 29, 1987, "final" rule.